

Message Text

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ORIGIN L-01

INFO OCT-01 ARA-03 ISO-00 SS-02 SAB-01 /008 R

DRAFTED BY L/ARA:GCHESTER

APPROVED BY L/ARA:DAGANTZ

ARA/PAN RHOWARD

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FM SECSTATE WASHDC

TO AMEMBASSY PANAMA PRIORITY

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CANALNEGS

E.O. 11652: N/A

TAGS: PFOR, PN

SUBJECT: PANAMA CANAL NEGOTIATIONS: NEW FRANCE FIELD
AGREEMENT

FOR KOZAK FROM CHESTER

I.

THIS IS MESSAGE NO 15 FROM THE DEPARTMENT RESPECTING
SEPTEMBER 1975 NEGOTIATING ROUND.

II.

COPY DIPLOMATIC NOTE FROM 1973 ON PROPOSED PANAMANIAN USE
OF NEW FRANCE FIELD SENT TO EMBASSY FOR YOU VIA CLASSIFIED
POUCH ON MONDAY, OCTOBER 6. WAS ONLY DOCUMENT LOCATED
IN SEARCH OF L/ARA AND ARA/PAN FILES WHICH SEEMS TO FIT
YOUR DESCRIPTION.

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III.

DRAFT COPY IN L/ARA FILE HAS INK NOTATION "DELIVERED TO
TACK 2/19/73."

IV.

TEST IS AS FOLLOWS:

"EXCELLENCY:

I REFER TO RECENT CONVERSATIONS WITH GENERAL OMAR
TORRIJOS HERRERA, YOUR EXCELLENCY, AND OTHER OFFICIALS
OF THE PANAMANIAN GOVERNMENT REGARDING THE PROPOSED USE OF
NEW FRANCE FIELD TO PROVIDE COMMERCIAL AIR SERVICE TO THE
CITY OF COLON BY REGULARLY SCHEDULED DOMESTIC AIRLINES OF
THE REPUBLIC OF PANAMA.

IN THESE DISCUSSIONS WE HAVE AGREED THAT IT IS
HIGHLY DESIRABLE THAT COMMERCIAL AIR SERVICE BE ESTABLISHED
BETWEEN THE CITY OF COLON AND OTHER CITIES WITHIN THE
REPUBLIC OF PANAMA AND THAT, IN VIEW OF THE IMMEDIATE NEED
FOR SUCH SERVICE, NEW FRANCE FIELD SHOULD BE PROVISIONALLY
USED FOR THAT PURPOSE UNTIL MORE DEFINITIVE ARRANGEMENTS
CAN BE MADE.

I UNDERSTAND THAT THE DIRECTORATE OF CIVILIAN AVIATION
ACTING FOR THE GOVERNMENT OF PANAMA, WOULD ASSUME EXCLUSIVE
RESPONSIBILITY FOR MAINTAINING NEW FRANCE FIELD AND ALL
ASSOCIATED FACILITIES AND FOR ASSURING THAT THE FIELD AND
SUCH FACILITIES ARE IN A SAFE CONDITION AND ARE OPERATED
IN ACCORDANCE WITH THE SAFETY STANDARDS OF THE INTERNATIONAL
CIVIL AVIATION ORGANIZATION. FURTHER, I UNDERSTAND THAT
THE GOVERNMENT OF PANAMA INTENDS TO PERMIT THE USE OF
THE FIELD ONLY FOR AIRCRAFT REGISTERED IN THE REPUBLIC OF
PANAMA AND ENGAGED IN REGULARLY SCHEDULED DOMESTIC AIR
SERVICE.

AS YOUR EXCELLENCY IS AWARE, NEW FRANCE FIELD IS
NOW USED BY AIRCRAFT OWNED OR CHARTERED BY THE GOVERNMENTS
OF THE UNITED STATES AND PANAMA. ALTHOUGH THIS USE IS
NOT FREQUENT, I UNDERSTAND THAT THE GOVERNMENT OF PANAMA
IS PREPARED TO ENSURE THAT THE COMMERCIAL USE OF THE FIELD
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BY PANAMANIAN DOMESTIC AIRLINES WILL NOT INTERFERE WITH
THE OCCASIONAL USE OF THE FIELD BY SUCH AIRCRAFT, AND THAT
IN CASE OF EMERGENCY, THE ARMED FORCES OF THE UNITED
STATES WILL HAVE PRIORITY WITH RESPECT TO THE USE OF THE
FIELD.

IT IS ALSO MY UNDERSTANDING THAT THE GOVERNMENT OF
PANAMA IS PREPARED TO SAVE HARMLESS AND INDEMNIFY THE

GOVERNMENT OF THE UNITED STATES FROM AND AGAINST, AND TO DEFEND AT ITS OWN EXPENSE, ALL CLAIMS FOR LOSS OF OR INJURY TO PROPERTY, OR FOR INJURY TO OR DEATH OF PERSONS, ARISING OUT OF THE OPERATION, MAINTENANCE OR USE OF NEW FRANCE FIELD CONTEMPLATED HEREIN, EXCEPT TO THE EXTENT THAT SUCH CLAIMS ARISE DUE TO THE NEGLIGENCE OR FAULT OF AN OFFICER

OR EMPLOYEE OF THE UNITED STATES GOVERNMENT IN THE COURSE OF HIS EMPLOYMENT.

IT IS NOTED THAT THIS PROVISIONAL ARRANGEMENT WOULD NOT AFFECT IN ANY WAY THE RESPECTIVE POSITIONS OF EITHER GOVERNMENT WITH RESPECT TO THE TREATIES AND AGREEMENTS NOW IN FORCE BETWEEN THE UNITED STATES AND PANAMA OR THE APPLICABILITY OF SUCH TREATIES AND AGREEMENTS OR EXTEND PRIVILEGES GRANTED BY SUCH TREATIES AND AGREEMENTS TO ANY PERSONNEL WORKING AT NEW FRANCE FIELD UNDER THIS AGREEMENT

I TAKE THIS OPPORTUNITY TO INFORM YOUR EXCELLENCY THAT THE UNITED STATES AUTHORITIES IN THE CANAL ZONE ARE PREPARED TO COOPERATE WITH THE DIRECTORATE OF CIVIL AVIATION IN ALL APPROPRIATE WAYS IN WORKING OUT ANY DETAILS WHICH MAY BE NECESSARY TO EFFECT IMPLEMENTATION OF THESE PROVISIONAL ARRANGEMENTS.

I HAVE THE HONOR TO PROPOSE THAT THIS NOTE, AND YOUR EXCELLENCY'S REPLY THERETO CONFIRMING YOUR GOVERNMENT'S CONCURRENCE WITH THE ARRANGEMENT DESCRIBED ABOVE, CONSTITUTE A PROVISIONAL AGREEMENT BETWEEN OUR TWO GOVERNMENTS, WHICH WOULD ENTER INTO FORCE ON THE DATE OF YOUR EXCELLENCY'S REPLY AND WOULD REMAIN IN EFFECT UNTIL A MORE DEFINITIVE AGREEMENT IS REACHED, OR UNTIL TERMINATED BY EITHER PARTY UPON REASONABLE WRITTEN LIMITED OFFICIAL USE

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NOTICE TO THE OTHER, IT BEING UNDERSTOOD THAT IN THE EVENT OF TERMINATION, THE FIELD WOULD BE RESTORED TO A CONDITION SATISFACTORY TO THE UNITED STATES GOVERNMENT.

ACCEPT, EXCELLENCY, THE RENEWED ASSURANCES OF MY HIGHEST CONSIDERATION." KISSINGER

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